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Report of the Working Group on the Universal Periodic Review*

China

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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The Chinese government has carefully examined the 252 recommendations that it received during the seventeenth session of the Working Group on the Universal Periodic Review of the Human Rights Council. The Chinese government accepts 204 recommendations, including those that have already been put into practice or are being implemented, and does not accept 48 recommendations because they are inconsistent with China's basic national conditions or contradict China's constitutional principles and spirit of its domestic laws. The specific replies are as follows:

Recommendation	*Position of the Chinese government*
186.1.	**Not Accepted** China is now prudently carrying out its judicial and administrative reform to actively prepare for the ratification of the ICCPR. No specific timetable for the ratification of the ICCPR could be set out so far.
186.2.	**Not Accepted** See 186.1.
186.3.	**Accepted**
186.4.	**Accepted**
186.5.	**Accepted**
186.6.	**Accepted**
186.7.	**Accepted**
186.8.	**Accepted**
186.9.	**Accepted**
186.10.	**Accepted**
186.11.	**Not Accepted** See 186.1.
186.12.	**Not Accepted** See 186.11.
186.13.	**Not Accepted** See 186.1
186.14.	**Accepted**
186.15.	**Not Accepted** See 186.1
186.16.	**Not Accepted** Concerning the enforced disappearance, China has enacted related regulations, and will carry out the study on the possibility of acceding to the CPED in due time. As for OP-CAT, the Chinese government believes that the promotion and protection of human rights is mainly realized through the efforts of countries themselves, not through the means of visits to state parties.

186.17. **Not Accepted**

Concerning the individual complaint procedure, China is of the view that such a procedure in the international human rights treaty system is optional. Governments bear the primary responsibility for the implementation of international human rights treaties. If a specific right is violated, citizens should first exhaust domestic remedies. As for the death penalty, China's position is to retain the death penalty, but strictly and prudently limit its application according to law. China has been making legal and systematic efforts to gradually reduce the application of death penalty. On February 25, 2011, Amendment Eight to the Criminal Law adopted at the 19th Meeting of the 11th Standing Committee of the National People's Congress (NPC) of China, abolished 13 crimes applicable to death penalty. China will continue its efforts in this regard according to its economic and social development.

186.18. **Not Accepted**

See 186.17.

186.19. **Not Accepted**

See 186.17.

186.20. **Not Accepted**

China always attaches importance to the role of the international criminal and judicial institutions in safeguarding international peace, promoting international justice, and punishing the most serious international crimes, and actively participates in the development of international criminal and judicial system in a constructive manner. China supports the establishment of an independent, impartial and effective International Criminal Court with universality. However, some practices of ICC cause doubts in the international community. Many countries require ICC to avoid selectivity and double standards when exercising jurisdiction. China will continue to follow ICC's work, and hopes ICC will gain more extensive trust and support via practice.

186.21. **Not Accepted**

See 186.1. China has ratified many core human rights conventions.

186.22. **Not Accepted**

See 186.17.

186.23. **Not Accepted**

Regarding OP-CAT and CPED, see186.16.

186.24. **Accepted**

186.25. **Accepted**

186.26. **Accepted**

186.27. **Accepted**

186.28. **Accepted**

186.29. **Accepted**

186.30. **Accepted**

186.31. **Accepted**

186.32. **Accepted**

186.33. **Accepted**

186.34. **Accepted**

186.35. **Accepted**

186.36. **Accepted**

186.37. **Accepted**

186.38. **Accepted**

186.39. **Accepted and already implemented**

The Chinese government attaches great importance to human rights education and promotes it at all levels. China has included human rights education in training programs of civil servants.

186.40. **Accepted and already implemented**

See 186.39.

186.41. **Accepted and already implemented**

See 186.39.

186.42. **Accepted and already implemented**

See 186.39.

186.43. **Accepted and already implemented**

See 186.39.

186.44. **Accepted and already implemented**

See 186.39.

186.45. **Accepted and already implemented**

See 186.39.

186.46. **Accepted and already implemented**

See 186.39.

186.47. **Accepted and already implemented**

See 186.39.

186.48. **Accepted and already implemented**

See 186.39.

186.49. **Accepted and already implemented**

The amended Criminal Procedure Law of China further makes it clear that confessions obtained through extortion or other illegal means should be excluded.

186.50. **Accepted**

186.51. **Accepted and being implemented**

Based on the amended Criminal Procedure Law, China's public security organs comprehensively amended the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, which provides for stricter measures on evidence collection, examination, exclusion of illegal evidence and other procedures, and clearly stipulates that evidence, which is discovered as should be excluded during the course of investigation, shall be excluded in accordance with law, and shall not be used as the basis for the approval of an arrest and prosecution review. The amended Regulations also stipulates that public security organs reconfigure the case investigation areas, separate these areas physically from other areas, implement video surveillance, improve security facilities there and strengthen the regulation of the management and use of these areas.

186.52. **Accepted**

186.53. **Accepted**

186.54. **Accepted**

186.55. **Accepted**

186.56. **Accepted**

186.57. **Accepted**

186.58. **Accepted**

186.59. **Not Accepted**

China has not established a national human rights institution in terms of the Paris Principles. However, many government agencies in China assume and share similar responsibilities. The issue of establishing a national human rights institution falls into China's sovereignty, and should be considered in a holistic manner in accordance with its national conditions.

186.60. **Accepted**

186.61. **Accepted**

186.62. **Accepted and already implemented**

There are a large number of organizations and individuals that safeguard others' rights and interests in China. Their activities are encouraged, protected and supported by the Chinese government. No one suffers reprisal for taking part in lawful activities or international mechanisms. As for the individuals or organizations engaging in illegal activities in the name of safeguarding human rights, they will be duly prosecuted by the Chinese government will enforce punishment according to law.

186.63. **Accepted**

186.64. **Accepted**

186.65. **Accepted**

186.66. **Not Accepted**

China is opposed to politicizing human rights issues, disapproves exerting pressure on a country in the name of human rights, and does not support establishing an UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea.

186.67. **Accepted**

186.68. **Accepted**

186.69. **Accepted**

186.70. **Not Accepted**

The government will assess its decision to extend a standing invitation to special procedures based on its national conditions. Although China has not extended a standing invitation, China has received many visits by special procedures. China takes every visit by special procedures seriously, and these visits have produced good overall results.

186.71. **Accepted**

186.72. **Not Accepted**

See 186.70.

186.73. **Accepted**

186.74. **Accepted**

186.75. **Accepted**

186.76. **Accepted**

186.77. **Accepted**

186.78. **Accepted**

186.79. **Accepted**

186.80. **Accepted**

186.81. **Accepted**

186.82. **Not Accepted**

186.83. **Accepted and already implemented**

There are provisions of prohibiting child labour in both China's Labour Law and Law on the Protection of Minors. In 2002, the State Council amended the Provisions on Prohibition of Child Labour, which makes it clear that no units shall hire minors under the age of 16. In the same year, the Criminal Law added provisions on the crime of employing child labour in dangerous and heavy labour. China's labour security organs at the state, provincial, municipal and county levels carry out routine inspection, report and special law enforcement activities and take eliminating child labour and protecting lawful rights and interests of minors as their key tasks.

186.84. **Accepted**

186.85. **Accepted and already implemented**

China's Constitution clearly stipulates that all citizens are equal before the law. China prohibits all possible discriminations via enacting specific laws. China's Law on Regional National Autonomy, Law on the Protection of Rights and Interests of Women, Law on the Protection of Rights and Interests of Elderly, Law on the Protection of Minors, Law on the Protection of Rights and Interests of Disabled Persons, Law on the Promotion of Employment and other laws clearly prohibit discriminations based on ethnicity, religion, gender, age, disability and other aspects.

186.86. **Accepted**

186.87. **Accepted**

186.88. **Accepted and already implemented**

The China National Bureau of Statistics has established gender-specific statistics mechanism, and formulated relatively complete gender-specific statistical indicator system that covers economy, population, health care, education, employment, social security, social service, women's participation in state affairs, law protection, social living environment and other areas. Through the gender-specific statistical system, China has collected a large quantity of gender-specific statistical data, and edited many gender-specific statistical publications, reflecting the status of Chinese women's development, progress in achieving gender equality and the living conditions of the two genders.

186.89. **Accepted and already implemented**

See 186.85. Prohibition of discriminations against different groups is written in many laws of China.

186.90. **Accepted and already implemented**

The Labour Law of China stipulates that workers shall not be discriminated on grounds of ethnicity, race, sex and religious beliefs. The Law on the Promotion of Employment of China contains systematic stipulations against employment discriminations.

186.91. **Accepted**

186.92. **Accepted and already implemented**

China's Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women's rights and interests of employment.

186.93. **Accepted**

186.94. **Not Accepted**

There is no such situation as many women and children missing in China.

186.95. **Accepted**

186.96. **Accepted and already implemented**

The Chinese government attaches great importance to combating human trafficking. It has adopted resolute and comprehensive measures to effectively prevent and crack down on human trafficking, worked actively for the rescue, settlement and rehabilitation of victims, and conducted effective cooperation with related countries and international organizations in the field of combating human trafficking.

186.97. **Accepted and already implemented**

See 186.96. China has established and continued to improve the unified social old-age pension system covering both rural and urban residents.

186.98. **Accepted and already implemented**

See 186.96.

186.99. **Accepted**

186.100. **Accepted and already implemented**

China has formulated and implemented six national five-year work programs on disability. After the adoption of Convention on the Rights of Persons with Disabilities, China has integrated the convention's purposes and principles into its latest five-year work program on disability to its aim and principles.

186.101. **Accepted**

186.102. **Accepted**

186.103. **Accepted**

186.104. **Accepted**

186.105. **Accepted**

186.106. **Accepted**

186.107. **Not Accepted**

See 186.17.

186.108. **Not Accepted**

The statistics of death penalty and death penalty with reprieve is included in that of fixed-term imprisonment of more than five years and life imprisonment. There is no separate statistics on death penalty.

186.109. **Not Accepted**

See 186.17.

186.110. **Accepted**

186.111. **Accepted**

186.112. **Not Accepted**

See 186.17.

186.113. **Not Accepted**

See 186.17.

186.114. **Not Accepted**

See 186.17.

186.115. **Not Accepted**

There are no arbitrary or extrajudicial detentions in China. All criminal and security detentions are decided on and implemented based on the Criminal Procedure Law and Law on Public Security Administration of China. According to China's Constitution and relevant laws, all citizens enjoy freedom of speech, the press, assembly, association and religious belief, and shall not harm the national, social and collective interests and legitimate rights of other citizens when exercising the above-mentioned rights. Illegal and criminal activities shall be prosecuted according to law.

186.116. **Not Accepted**

See 186.115.

186.117. **Accepted and already implemented**

On December 28, 2013, the 6th Meeting of the Standing Committee of NPC adopted the Resolution of the Standing Committee of NPC on the Abolition of Legal Documents on Re-education through Labour, abolishing the system of re-education through labour. After the abolition of the system, those still serving re-education through labour were set free, and their remaining terms will not be enforced.

186.118. **Accepted and being implemented**

The amended Criminal Procedure Law of China clearly stipulates that the compulsory mental health treatment for mentally ill people should be decided by courts. At present, the relevant Chinese authorities are formulating rules to regulate the treatment, rehabilitation, management, diagnose and assessment conducted by the institutions of compulsory mental health treatment and the protection of the rights of the people under compulsory mental health treatment. As for re-education through labour, see 186.117.

186.119. **Accepted**

186.120. **Accepted and already implemented**

See 186.117.

186.121. **Accepted and already implemented**

See 186.117.

186.122. **Not Accepted**

See 186.115. There is no one in China who is kept in administrative detention for political reasons.

186.123. **Accepted and already implemented**

Based on the amended Criminal Procedure Law, Chinese public security organs have revised the Regulations on Procedures of Handling Criminal Cases for Public Security Organs, including revising the applicable conditions of bail, residential surveillance and arrest, and imposing a stricter requirement on the duration between arrest and custody.

186.124. **Accepted**

186.125. **Accepted**

186.126. **Accepted**

186.127. **Not Accepted**

Concerning ICCPR ratification, see 186.1. Concerning the abolition of re-education through labour, see 186.117.

186.128. **Not Accepted**

186.129. **Accepted**

186.130. **Accepted**

186.131. **Accepted**

186.132. **Accepted**

186.133. **Accepted and already implemented**

China's Criminal Procedure Law, Civil Procedure Law and Administrative Procedure Law all clearly stipulate that if a party refuses to accept a judgment of first instance of a local people's court, he or she shall have the right to file an appeal. The right of appeal, as a basic procedural right of parties, has been fully embodied and guaranteed in China's judicial activities.

186.134. **Accepted**

186.135. **Accepted**

186.136. **Accepted**

186.137. **Not Accepted**

In accordance with China's Constitution and relative legislation, citizens enjoy freedom of speech, association and religious belief. The Chinese government guarantees, in accordance with law, citizens' right to exercise these freedoms. Meanwhile, the exercise of the above-mentioned freedoms shall abide by the Constitution and laws, and shall not harm the national, social, collective interests and the legitimate rights of other citizens. Illegal and criminal activities shall be prosecuted according to law.

186.138. **Accepted and already implemented**

China's Constitution provides for citizens' freedom of religious belief. All civil servants in administrative entities are citizens of the People's Republic of China, and enjoy the freedom of religious belief. The Chinese government does not interfere in their religious belief. Meanwhile, according to the Civil Servant Law of China, the government shall not take religions belief into consideration when recruiting, selecting, and appointing civil servants.

186.139. **Accepted**

186.140. **Accepted**

186.141. **Accepted**

186.142. **Not Accepted**

China's Constitution and laws guarantee citizens' freedom of religious belief, and, at the same time, stipulate obligations that citizens must fulfill. The Chinese government handles in accordance with the law illegal religious organizations and individuals that promote superstition and fallacies, deceive the people, instigate and create disturbances, and undermine social stability. "Falun Gong" is not a religion but an out-and-out cult. The purpose of banning "Falun Gong" by the Chinese government in accordance with the law is to protect human rights and fundamental freedoms of citizens, and uphold the sanctity of the Constitution and laws.

186.143. **Accepted**

186.144. **Accepted**

186.145. **Accepted**

186.146. **Accepted**

186.147. **Accepted**

186.148. **Accepted**

186.149. **Accepted and being implemented**

In accordance with China's Constitution and relevant national laws, citizens enjoy freedom of expression, the press, assembly, association, procession, demonstration, and religious belief. The Chinese government guarantees citizens' right to exercise these freedoms in accordance with the law. Chinese judicial organs impartially deal with all violations of citizens' personal and democratic rights according to law. There is no so-called issue of suppressing "human rights defenders".

186.150. **Accepted**

186.151. **Not Accepted**

See 186.115.

186.152. **Not Accepted**

See 186.115.

186.153. **Not Accepted**

China has yet to ratify the ICCPR.

186.154. **Accepted**

186.155. **Accepted**

186.156. **Not Accepted**

There are specific provisions in a number of Chinese laws on the freedom of speech and the press. There is no plan to amend the State Secrets Law so far. China is a country under the rule of law. Everyone is equal before the law. Chinese judicial organs deal with people engaging in illegal and criminal activities according to law.

186.157. **Accepted**

186.158. **Accepted and being implemented**

See 186.149.

186.159. **Not Accepted**

See 186.115. Flow of information on the Internet is open and free in China. However, with the rapid development of the Internet, cyber security problems such as gambling, pornography, violence, and hacking are posing increasing threats to the legitimate rights and interests of the public. To ensure the safe flow of information, the Chinese government has the responsibility to prevent the flooding of harmful information and take steps to fight cybercrime.

186.160. **Not Accepted**

See 186.159.

186.161. **Not Accepted**

See 186.159.

186.162. **Accepted**

186.163. **Accepted**

186.164. **Accepted**

186.165. **Accepted**

186.166. **Accepted**

186.167. **Accepted and being implemented**

See 186.149.

186.168. **Accepted**

186.169. **Accepted**

186.170. **Accepted and being implemented**

China's Constitution stipulates that citizens have the right to criticize and make suggestions to any state organ or official. The traditional and social media in China are responsible for what and how they should report. But they must operate within the scope prescribed by law, and the content of their report should be true and credible.

186.171. **Accepted**

186.172. **Accepted**

186.173. **Accepted**

186.174. **Accepted**

186.175. **Accepted**

186.176. **Accepted**

186.177. **Accepted and being implemented**

See 186.92.

186.178. **Accepted**

186.179. **Accepted**

186.180. **Accepted**

186.181. **Accepted and already implemented**

The Chinese government has formulated a specific policy to solve the problem of social security for religious clergy, and special work has been carried out accordingly. Up to now, religious clergy has been generally covered by the social security system.

186.182. **Accepted**

186.183.	**Accepted**
186.184.	**Accepted**
186.185.	**Accepted**
186.186.	**Accepted**
186.187.	**Accepted**
186.188.	**Accepted**
186.189.	**Accepted**
186.190.	**Accepted**
186.191.	**Accepted**
186.192.	**Accepted**
186.193.	**Accepted**
186.194.	**Accepted**
186.195.	**Accepted**
186.196.	**Accepted**
186.197.	**Accepted**
186.198.	**Accepted**
186.199.	**Accepted**
186.200.	**Accepted**
186.201.	**Accepted**
186.202.	**Accepted**
186.203.	**Accepted**
186.204.	**Accepted**
186.205.	**Accepted**
186.206.	**Accepted**
186.207.	**Accepted**
186.208.	**Accepted**
186.209.	**Accepted**
186.210.	**Accepted**
186.211.	**Accepted**
186.212.	**Accepted**
186.213.	**Accepted**
186.214.	**Accepted**

186.215. **Accepted**

186.216. **Accepted**

186.217. **Accepted**

186.218. **Accepted**

186.219. **Accepted**

186.220. **Accepted**

186.221. **Accepted**

186.222. **Accepted**

286.223. **Accepted**

186.224. **Accepted and being implemented**

With the strong support of China's central government, undertakings in regions of ethnic minorities have been developed rapidly. Ethnic minorities' political, economic, cultural, and religious rights have been fully protected. Once violation of human rights is discovered, the Chinese judicial organs will launch independent and comprehensive investigation to ensure equality, fairness and transparency.

186.225. **Not Accepted**

China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics.

186.226. **Accepted**

186.227. **Accepted**

186.228. **Accepted**

186.229. **Accepted**

186.230. **Not Accepted**

China's Constitution clearly stipulates that all ethnic groups are equal. The state guarantees the legal rights and interests of all ethnic minorities and forbids discrimination and oppression against any ethnic group. The relevant laws and regulations also fully guarantee all equal rights of ethnic minorities, including participation in the political and religious affairs and expression of cultural identity. Thus, there is no need to take any urgent step in this regard.

186.231. **Accepted**

186.232. **Not Accepted**

See 186.225.

186.233. **Not Accepted**

See 186.230.

186.234. **Accepted and already implemented**

In accordance with China's Constitution and international human rights commitments, the Chinese government guarantees that all ethnic minorities fully exercise political, economic, cultural, social, educational, religious and other basic rights, and vigorously promotes development of all undertakings for ethnic minorities and in ethnic minority areas.

186.235. **Not Accepted**

See 186.70.

186.236. **Not Accepted**

The position of the Chinese central government on contact and negotiation with the Dalai Lama is consistent, and its attitude serious, and the door for dialogue is always open. The key to continue the dialogue is in the Dalai Lama's hands. The Dalai Lama must fundamentally reassess and thoroughly correct his political claims, stop plotting and instigating violent criminal activities and activities aimed at seeking "Tibet independence" and splitting the motherland, so as to create conditions for progress in contact and negotiation. The persons to contact and negotiate should only be the personal representatives of the Dalai Lama, instead of the "Tibetan government-in-exile".

186.237. **Accepted**

186.238. **Accepted**

186.239. **Accepted**

186.240. **Accepted**

186.241. **Not Accepted**

The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. The illegal entrants from the DPRK are not refugees. Thus, their treatment should be different from that of refugees. The Chinese government follows the international law, domestic law and humanitarian spirit to properly handle the illegal entrants from the DPRK.

186.242. **Accepted and already implemented**

China's Constitution stipulates that asylum may be granted to foreigners who request it for political reasons in China. The Exit and Entry Administration Law of China which came into force on July 1, 2013 stipulates that foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs. China places importance on the refugee legislation, and is actively promoting the relevant legislation along with its domestic legislation progress.

186.243.	**Not Accepted** The Chinese government has consistently followed the principle of non-refoulement and other international practice in refugee management. China follows the non-refoulement principle and offers corresponding protection for all asylum seeker and cross-border refugees, be they from neighbouring countries or other countries. Therefore, there is no need to make a special request concerning "refugees from neighbouring countries".
186.244.	**Accepted**
186.245.	**Accepted**
186.246.	**Accepted**
186.247.	**Accepted**
186.248.	**Accepted**
186.249.	**Accepted**
186.250.	**Accepted**
186.251.	**Accepted**
186.252.	**Accepted**